



United States District Court
for the
Northern District of Georgia
Atlanta Division

Racquel Neilly
Plaintiff,

v

Case Number: **1:22-CV-0116**

Elliot on Abernathy
Defendant,

Notice of removal
I think my case should be removed because
this was file within the first week of
non payment not giving me a chance to make
payment with everything going on (covid) and
I express that at the time I was in the
Hospital.

276311

MAGISTRATE COURT OF FULTON COUNTY, STATE OF GEORGIA

PROCEEDING AGAINST TENANT HOLDING OVER

Elliot on Abernathy Borrower LLC, BirchstoneResidentialPO Box 451027Atlanta GA 31145

PLAINTIFF'S NAME/ADDRESS/PHONE/EMAIL

V.

Racquel Neilly and all others650 Willow Heights Dr Ne unit 650Sandy Springs GA 30328

DEFENDANT'S NAME & ADDRESS

Because of the global COVID-19 pandemic, you may be eligible for temporary protection from eviction under the laws of your State, territory, locality, or tribal area, or under Federal law.

Learn the steps you should take now:

- Visit www.cfpb.gov/eviction
- Or call a housing counselor at 800-569-4287

CASE # _____

Elizabeth Cruikshank, ESQ#215235

PLAINTIFF'S ATTORNEY NAME/ADDRESS/PHONE/EMAIL

1. Defendant is in possession as tenant of premises at the address in Fulton County as stated above.
2. Affiant is the ☐ Owner ☐ Attorney ☒ Agent ☐ Tenant of the owner of said premises.
3. Defendant ☒ fails to pay the rent which is now past due.
 - ☐ holds the premises over and beyond the term for which they rented to him.
 - ☐ no longer has permission to remain in the premises.
 - ☐ other grounds: _____
4. Plaintiff desires and has demanded possession of the premises.
5. Defendant has failed and refused to deliver possession of the premises.

WHEREFORE, Plaintiff DEMANDS

(a) Possession of the premises.

(b) Past due rent of \$ 1548.80 for the month(s) OCT(c) Rent accruing up to the date of judgement of vacancy at the rate of \$ 1548.80 per Month(d) Other: See attached

By affixing this electronic verification, oath, or affidavit to the pleading(s) submitted to the court and attaching my electronic signature hereon, I do hereby swear or affirm that the statements set forth in the above pleading(s) are true and correct.

/s/ Natasha Volmy10/12/2021

PLAINTIFF(S) or AFFIANT

DATE

PHONE NUMBER / EMAIL ADDRESS

SUMMONS

TO: THE MARSHAL of the Magistrate Court of Fulton County or his lawful deputies:

GREETINGS: The tenant must file either an online (www.AnswerDispo.com), oral or written Answer at Room TG100, 185 Central Avenue, SW, Atlanta, Georgia, 30303 between 8:30AM and 5:00PM within seven (7) days from the date of the actual service unless the seventh day is a Saturday, a Sunday, or a Court holiday, in which case the Answer may be made on the next day which is not a Saturday, a Sunday, or a Court holiday. If the Answer is oral, the substance thereof shall be endorsed on the dispossessory affidavit. The Answer may contain any legal or equitable defense or counterclaim. If no valid legal or factual Answer is filed, a writ of possession may be issued pursuant to O.C.G.A. § 44-7-53. If no Answer is made, a writ of possession shall issue instant. WITNESS the Honorable Chief Judge of said Court. The above affidavit was sworn to and subscribed before the undersigned Deputy Clerk by affiant as provided by O.C.G.A. § 44-7-50 and summons issues pursuant thereto.

10/12/2021 9:03 AM

This _____ day of _____, _____

DEPUTY CLERK

PRIVATE PROCESS SERVER AFFIDAVIT OF SERVICE

I have served the foregoing Affidavit and Summons on the Defendant(s) by delivering a copy of same:

☐ PERSONALLY ☐ DEFENDANT NOT FOUND AT WITHIN ADDRESS ON SAID SUMMONS AND AFFIDAVIT☐ NOTORIOUSLY (NAME) _____ Age _____ Wt. _____ Ht. _____

☐ TACK & MAIL. Posting a copy to the door of the premises and depositing a copy in the U.S. Mail, First Class in an envelope properly addressed after attempting personal service. Said copy containing notice to the Defendant(s) to answer at the hour and place in said summons.

DATE OF SERVICE: _____

DEFENDANT TO ANSWER ON OR BEFORE: _____

PROFESSIONAL PROCESS SERVER

NOTARY

ANSWER

To file your answer online visit www.AnswerDispo.com and enter your case number. All Answers must be electronically filed by 11:59PM on or before the last day to answer this summons. A service charge applies for online answers. No service charge applies to answers made written or orally at the courthouse.